

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)

Unlawful arrest & Detention
Unlawful Search & Seizure

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Officer Wheeler of
Hollister PD, Hollister Mo

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

Complaint for Violation of Civil
Rights

(Prisoner Complaint)

Case No. 17-3399-CV-S-RK-F
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☐ Yes ☒ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Matthew J. Wise

All other names by which you have been known:

Matt Wise

ID Number

27904

Current Institution

Taney County

Address

PO Box 1005
Forsyth MO 65653

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

Wheeler

Job or Title
(if known)

Police Officer

Shield Number

Employer

Hollister City

Address

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

2 other

Job or Title
(if known)

Police Sgt, Female agent on scene

Shield Number

Employer

City of Hollister

Address

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐

Federal officials (a *Bivens* claim)

☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Unlawful arrest & Detention, Unlawful
Search & Seizure, Right to be secure in
my home, Right to be

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was arrested, detained, transported By ~~an officer~~, Officer Wheeler & 2 other Hollister Police officers outside their Jurisdiction in Hollister MO outside the city limits. They searched my vehicle without consent & ran Serial numbers on my computer, iPad and another tablet. On the way to the Police Station the Chief of Police ~~met~~ called officer Wheeler & told him to take me back to my vehicle and release as it was an illegal arrest. I lost my job, My iPad & Computer were broken. Several people saw me in handcuffs. Officer Wheeler then went to Gary Peterson's house, told him I stole a bunch of items from him. "He is a lucky Motherfucker." I am embarrassed and do not go to Hollister any more. Officer Wheeler said "He will get no more."

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V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

My Shoulder Was Twisted & has hurt ever since. I have not had the \$ to go to the Dr. Every time I see an officer I ~~get~~ Have a panic attack. I can't find employment, run my Business of online sales without a computer & tablet. I'm not allowed to go to Gary's house, ~~but~~ It was where I was living but he kicked me out because what Wheeler said. I've been Homeless since then.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want those officers to pay for my Broken Items, which were \$2,800.00. @ \$5,000.00 for undue stress & embarrassment and losing my housing. (\$5,000) @ Officer Wheeler Hurt My Shoulder & I can't lift much w/ my arm making ~~it~~ 7,000.00.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Dec 3, 2017.

Signature of Plaintiff

Printed Name of Plaintiff

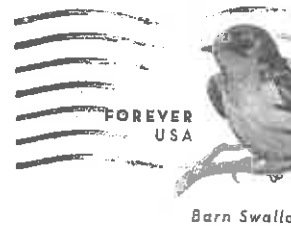
Prison Identification #

Prison Address

City State Zip Code

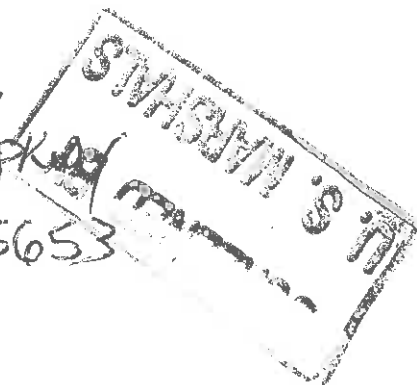
Matthew Wise
Matthew Wise
27101
P.O. Box 1005
Forsyth MD 20633

Matthew J Wise
PO Box 1005
Forsyth MO 65656



REC'D DEC 12 2017
CORRESPONDENCE
FROM A
CORRECTIONAL FACILITY

Clerks Office
U.S. District Court
1400 U.S. Courthouse
222 John Q Hammons Pkwy
Springfield MO 65653



Legal Mail

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